

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 22795 of 2005(L)

**CMA.15/2005 of PRL.SUB COURT,IRINJALAKUDA
OS.105/2005 of MUNSIF COURT, KODUNGALLUR**
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PETITIONERS:

- 1. VISWA BRAHMANA SAMOOHAM TRUST,
METHALA VILLAGE, KODUNGALLUR TALUK, REPRESENTED BY
ITS SECRETARY, UNNIKRISHNAN,S/O.CHEMBOZHIPARAMBIL-
RAMANACHARI, METHALA VILLAGE, THIRUVANCHIKULAM
DESOM, KODUNGALLUR TALUK.**
- 2. VISWA BRAHMANA SAMOOHAM,
METHALA VILLAGE, KODUNGALLUR TALUK, REPRESENTED BY
ITS SECRETARY, UNNIKRISHNAN,S/O.CHEMBOZHIPARAMBIL-
RAMANACHARI, METHALA VILLAGE, THIRUVANCHIKULAM
DESOM, KODUNGALLUR TALUK.**

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS:

- 1. VISWA BRAHMANA SAMRAKSHANA SAMITHI,
LOKAMALLESWARAM VILLAGE, KODUNGALLUR TALUK,
REPRESENTED BY ITS PRESIDENT, SANTHOSH,
S/O. THANIKKAPARAMBIL KANNAN, LOKAMALLESWARAM
VILLAGE, DESOM, KODUNGALLUR TALUK.**
- 2. SECRETARY, RAMESH,
S/O. THANIKKAPARAMBIL THANKANACHARI, KATTEKULAM
DESOM, METHALA VILLAGE, KODUNGALLUR TALUK.**
- 3. TREASURER HARIYAPPAN,
S/O. PAKKUNATH NARAYANAN, LOKAMALLESWARAM VILLAGE,
DESOM, KODUNGALLUR TALUK.**

BY ADV. SRI.P.K.ANIL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.
= = = = =
W.P.C. NO. 22795 OF 2005
= = = = =
Dated this the 30th day of January, 2007.

J U D G M E N T

This writ petition is filed to quash Ext.P10 order passed by the learned Subordinate Judge, Irinjalakuda. The suit O.S.105/05 was filed before the Munsiff Court and an application for interim injunction was also pressed into service. The trial court on a consideration of the entire materials found that the plaintiff is not entitled to the discretionary relief of injunction and therefore dismissed the application. In appeal, the learned Subordinate Judge confirmed the said finding.

2. The centre question which arise for determination is regarding the interpretation of by-laws and running of a trust or society, whatever it may be. It is seen from the orders of the Court below that the election was not conducted in proper time and so as per the provisions of the by-law there was election of office bearers and that is the question which is in challenge and therefore it is only just and appropriate that this Court does not express any opinion about the merits or demerits of the case at

this stage and it will be sufficient if a direction is given to the trial judge to dispose of the matter within a time frame. Therefore, the writ petition is dismissed with a direction to the trial court to dispose of the matter as expeditiously as possible and not later than six months from the date of receipt of a copy of this judgment.

It is made clear that the suit has to be decided by the trial court untrammelled by the observations contained in the interim order passed by it and which is confirmed by the Appellate Court.

M.N. KRISHNAN, JUDGE.

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